

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES JOHNSON,

CASE NO. C22-1731-JCC

11 Plaintiff,

MINUTE ORDER

v.

12 MILLIMAN, INC., d/b/a IntelliScript,

13 Defendant.

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15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Defendant's motion to dismiss (Dkt. No. 17). In it,
18 Defendant asks the Court to dismiss this matter with prejudice, following a notice of settlement.
19 (See *id.*) (citing Dkt. No. 16). According to Defendant, Plaintiff has not sought dismissal despite
20 settling the matter and agreeing to do so. (Dkt. No. 17 at 1.) Defendant, therefore, unilaterally
21 moves for dismissal with prejudice "in an effort to comply with this Court's directive [to file
22 dismissal paperwork]." (*Id.* at 1–2.) But Rule 41 does not allow for dismissal without a plaintiff's
23 participation. See Fed. R. Civ. P. 41.

24 For this reason, the Court ORDERS Plaintiff to show cause why this case should not be
25 dismissed for failure to prosecute. Plaintiff has 14 days from today to respond. If he fails to do
26 so, the Court will dismiss this case *without* prejudice.

1 DATED this 2nd day of February 2024.
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Ravi Subramanian
Clerk of Court

s/Kathleen Albert
Deputy Clerk